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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,080	03/09/2005	Rune Adolfsson	388.885USN	4747
33369	7590	09/23/2009		
FASTH LAW OFFICES (ROLF FASTH) 26 PINCREST PLAZA, SUITE 2 SOUTHERN PINES, NC 28387-4301				
		EXAMINER NGUYEN, HUONG Q		
		ART UNIT 3736		
		PAPER NUMBER NOTIFICATION DATE 09/23/2009		
		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/527,080	ADOLFSSON ET AL.
	<b>Examiner</b> HELEN NGUYEN	<b>Art Unit</b> 3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 09 March 2005.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09 March 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-166/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. This Preliminary Amendment dated 3/9/2005 is acknowledged. The amendments to the specification are acknowledged. Claim 9 is amended and Claim 11 is new. **Claims 1-11** remain pending and under prosecution.

#### *Priority*

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(c) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged, namely, priority as a 371 of PCT/SE03/01403 filed on 9/8/2003, which claims priority to provisional application #60/319550, filed on 9/15/2002.

#### *Claim Objections*

3. **Claims 3-4 and 7** are objected to because of the following informalities:
4. Regarding Claim 3, "the segment" recited in said claim lacks antecedent basis. It is believed that said segment refers to the housing and is treated as such in the rejection below. Applicant is requested to clarify use of said term.
5. Regarding Claim 4, "a peltier" should be "the peltier" or "said peltier" to refer back to the element introduced in the independent claim.
6. Regarding Claim 7, "a housing" should be "the housing" or "said housing" to refer back to the element introduced in the independent claim.
7. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gafni et al (US Pat No. 5191896) in view of Ingman (US Pub No. 20020082668).

10. In regards to **Claim 1**, Gafni et al disclose a sensor device 10 comprising: a peltier element 12, 60, best seen in Figure 1 and 3, attached to a housing 62, best seen in Figure 3, and having a cooled surface and a heated surface, the peltier element being connected to a power source 54, best seen in Figure 1, to obtain a temperature difference between the cooled surface and the heated surface thereof, the cooled surface being cooled by the peltier element and the inner surface being heated by the peltier element and directed in a direction that is opposite the direction of the cooled surface.

11. However, Gafni et al do not disclose the housing in operative engagement with a roller. Ingman teaches the use of a roller for skin related applications such that the roller allows effective engagement of the skin with the apparatus, see Figures 5-6, 11, 12A-B, and 13A-B. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sensor device of Gafni et al to have the housing in operative engagement with a roller as taught by Ingman such that the cooled surface of the peltier element cools the roller to provide a device that effectively engages the skin.

12. In regards to **Claim 2**, Gafni et al disclose heat is led away from the heated surface and the heated surface is in contact with the housing 62 that has a high heat conductivity (made of aluminum) (Col.3: 22-23) and formed with an area of flanges in order to increase heat transfer to another medium that is in contact with the flanges, best seen in Figure 3.

13. In regards to **Claim 3**, Gafni et al disclose the housing segment is in operative thermal contact with a volume containing another material (fluid) that has high thermal capacity and stores heat from the inner surface through heat exchanger 66, best seen in Figure 3.

14. In regards to **Claim 4**, Gafni et al disclose the peltier element 60 is held against the housing 62 by a holder 68 made of a material with low heat conductivity, i.e. rubber best seen in Figure 3 (Col.3: 44-45).

15. In regards to **Claim 5**, Gafni et al in combination with Ingman disclose a cover plate in contact with the peltier element 60, bears against a surface of the roller.

16. In regards to **Claim 6**, Gafni et al disclose the peltier element 60 is in operative engagement with the cylindrical outer surface of the roller.

17. In regards to **Claim 7**, Gafni et al in combination with Ingman disclose the roller is rotatably attached to the housing and is made of a material with high heat conductivity to enable cooling effect of the cooled surface of the peltier to transfer to the skin of the user.

18. In regards to **Claim 8**, Gafni et al in combination with Ingman disclose the roller is in contact with an isolation material that is cooled by the peltier element 60 to effectively enable the peltier element to transmit the cooling effect to the roller and thus to the skin of the user.

19. **Claims 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gafni et al.

20. In regards to **Claim 9**, Gafni et al disclose a sensor device comprising a peltier element 60 held by a holder 68 attached to an outer end of a housing 62; the peltier element being in contact with the housing (24) and disposed on the outer end, best seen in Figure 3; the peltier element having a cooled surface and a heated surface, the peltier element being connected to a power source 54, best seen in Figure 1, to obtain a temperature difference between the cooled surface and the heated surface thereof, the cooled surface being cooled by the peltier element and the inner surface being heated by the peltier element and directed in a direction that is opposite the direction of the cooled surface; the cooled surface providing a cooled testing surface, the heated surface being in contact with the housing that has a high heat conductivity (made of aluminum Col.3: 23-24) for effectively transferring heat from the heated surface and the housing having a volume for absorbing the heat, the housing having a surface formed with an area of flanges, best seen in Figure 3 right, in order to increase heat transfer to another medium that is in contact with the flanges; the holder being made from a material with a low heat conductivity (rubber Col.3: 44-45), that is lower than the high heat conductivity of the housing, to avoid heat transfer between the cold surface and the hot surface.

21. However, Gafni et al do not disclose the peltier element held by the holder attached by threads to the housing. However, it is well known in the art that using threads is an effective means of attachment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the peltier element held by the holder attached by threads to the housing as an effective means to do such.

22. In regards to **Claim 10**, Gafni et al disclose the sensor device 10 has a cover plate held by the holder 68, best seen in Figure 3.

23. In regards to **Claim 11**, Gafni et al disclose the housing 62 has a cavity defined therein, the cavity contains a material (fluid) that has a high thermal capacity higher than a thermal capacity of the housing for storing heat from the inner heated surface through heat exchanger 66, best seen in Figure 3.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN NGUYEN whose telephone number is (571)272-8340. The examiner can normally be reached on Monday - Friday, 9 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. N./  
Examiner, Art Unit 3736

/Max Hindenburg/  
Supervisory Patent Examiner, Art Unit 3736